United Nations S/2012/931

Security Council

Distr.: General
14 December 2012

Original: English

Thirty-fourth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999) and covers developments on the issues of missing Kuwaitis and third-country nationals and missing Kuwaiti property, including its national archives, since the issuance of my previous report, dated 14 June 2012 (S/2012/443). The present report also covers the outcome of my consultations in Iraq and Kuwait on 5 and 6 December with the two Governments on the role of the United Nations in facilitating the implementation of paragraph 14 of resolution 1284 (1999).

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

2. Throughout the reporting period, Gennady Tarasov, the High-level Coordinator, actively promoted cooperation between Iraq and Kuwait in the search for missing Kuwaiti and third-country nationals, including during his two visits to the region in September and November. Working in close contact with the members of the Tripartite Commission and its Technical Subcommittee, the primary body dealing with the fate of persons unaccounted for since the Gulf War of 1990-1991, the Coordinator focused his efforts on facilitating joint exploratory missions, within the framework of the Technical Subcommittee and under the aegis of the International Committee of the Red Cross (ICRC), to sites in Iraq where those missing persons might have been buried. He also encouraged the intensification of Iraq's own investigations in different parts of the country, as well as the stepping up of its information-gathering efforts in order to make the work of field missions more precise and effective. Follow-up meetings of the Technical Subcommittee and the Tripartite Commission were held on 3 and 5 December, respectively.

3. A fifth field exploratory mission was conducted in Khamisiyah (southern Iraq) from 3 to 18 September. To date, more than 10,000 trenches have been dug in the search for remains. These efforts are still hampered, however, by a lack of precise information and have not yet yielded results.

4. In addition, Iraq conducted its own investigations to explore possible grave sites on its territory. These included, among others, excavations in Ramadi (central

Please recycle

Iraq) and in the Samawah area (southern Iraq), where unidentified human remains were found. Anthropological data on the findings were sent to Kuwait via ICRC, with DNA samples for genetic identification to follow. Iraq also sent staff for training in Australia and indicated its intention to purchase new equipment for the localization and the exhumation of remains. According to available information, about 50 officials of the former Iraqi regime were visited in prison but denied any knowledge of possible grave sites where the remains of missing Kuwaitis might be discovered.

5. On 20 November, the Coordinator travelled to Baghdad where he met with Deputy Prime Minister of Iraq, Hussain al-Shahristani, and the Minister of Human Rights, Mohammed al-Sudani. Both reiterated their Government's determination to fulfil all its outstanding obligations with regard to Kuwait. The Deputy Prime Minister noted that although Iraq would prefer to terminate the mandate of the High-level Coordinator and address this issue bilaterally with Kuwait, Iraq would not object to folding this file into the mandate of the United Nations Assistance Mission for Iraq (UNAMI). Mr. Al-Sudani reconfirmed the commitment of Iraq to continue the search for missing persons in cooperation with Kuwait and the Tripartite Commission and its Technical Subcommittee.

6. On 21 November, the Coordinator travelled to Kuwait, where he met with the Deputy Prime Minister and Minister for Foreign Affairs, Sabah Al-Khaled Al Hamad Al Sabah, who reiterated the importance of Iraq complying with all of its outstanding obligations and the readiness of Kuwait to support Iraq in completing the process. He added that Kuwait did not expect the mandate to continue until all the missing were found, but additional progress was expected in the search for missing Kuwaitis.

III. Recent activities with regard to the return of Kuwaiti property

7. The issue of missing Kuwaiti property, including the national archive, is an integral part of paragraph 14 of Security Council resolution 1284 (1999). Although a number of items were found in Iraq and returned to Kuwait during the reporting period, no significant progress has been made in the search for the national archive of Kuwait, nor has credible information about its fate or whereabouts emerged.

8. In his recent meetings with Iraqi officials, the Coordinator continued to urge the Government of Iraq to make full use of the recently created Iraqi committee on the Kuwaiti national archives and to report to the United Nations on the results of its activities. In September the Coordinator was informed that Kuwait had set up its own committee on the archives, chaired by the director of the international organizations department of the Foreign Ministry, which was waiting for an indication from Iraq on when both entities could meet in order to further work on the search for missing Kuwaiti property.

9. On 27 June, Iraqi and Kuwaiti representatives met for the purpose of returning Kuwaiti property consisting of tapes belonging to the archive of the official radio station of the State of Kuwait and two books belonging to the University of Kuwait. According to the minutes of the meeting shared with the Coordinator by the

Permanent Representative of Kuwait to the United Nations on 29 June (see annex I), the representative of the Ministry of Foreign Affairs of Kuwait noted:

> The return of some of the property is undoubtedly a step forward, that the Kuwaiti side hopes will be followed with the return of the more valuable and more important property, particularly the National Archives belonging to the Amiri Diwan, the Diwan of His Highness the Crown Prince and the Ministry of Foreign Affairs.

10. In a letter dated 1 October (see annex II), the Permanent Representative of Iraq to the United Nations informed the Coordinator that the Ministry of Foreign Affairs of Iraq had published an advertisement on its official website, as well as in a number of national newspapers, urging Iraqi citizens in possession of any documents or property belonging to the State of Kuwait to transmit them to the committee in charge of coordinating Iraqi efforts regarding the Kuwaiti national archive.

11. While the fate of the Kuwaiti national archive has yet to be discovered, Iraq has demonstrated, by finding other missing Kuwaiti property, that its credible and sustained efforts were bearing results.

IV. Way forward

12. Pursuant to paragraph 14 of Security Council resolution 1284 (1999), since 2000, I have submitted 34 reports to the Security Council regarding the repatriation or return by Iraq of all Kuwaiti and third-country nationals or their remains, as well as the return of all Kuwaiti property, including archives, seized by Iraq.

13. While the remains of 236 Kuwaitis have been found in Iraq by Kuwaiti search and exhumation teams in 2003 and 2004, attempts to find the remains of 369 Kuwaitis have been unsuccessful since then, despite commendable goodwill demonstrated by Iraq. With regard to missing Kuwaiti property, Iraq has recovered and delivered to Kuwait a number of items such as the archive of official Kuwaiti television and radio stations, microfilm archives of Kuwaiti newspapers and old banknotes and coins, as well as the keys to safes from the Central Bank of Kuwait. There has, however, been little progress in the search for the national archive.

14. In all of my reports to the Council, including that dated 8 April 2009 (S/2009/190) and the report submitted pursuant to paragraph 5 of Security Council resolution 1859 (2008) of 27 July 2009 (S/2009/385), I have called upon both sides to pursue cooperation and implement confidence-building measures to foster progress in the resolution of the humanitarian issue of missing Kuwaiti persons and property. In my previous report, which the Security Council welcomed in a press statement of 20 June 2012, I also expressed my belief that Iraq and Kuwait should begin exploring other arrangements to consolidate efforts in the search for missing Kuwaiti nationals and property.

15. Over the course of the year, the Governments of Iraq and Kuwait have held consultations and exchanged letters on this issue, and they conveyed to me their respective positions regarding the future implementation of paragraph 14 of Security Council resolution 1284 (1999).

16. On 18 June 2012, the Minister for Foreign Affairs of Iraq, in a letter to me, had requested that the mandate of the High-level Coordinator be terminated and dealt

with through bilateral channels, possibly in cooperation with ICRC or UNAMI (see annex III).

17. In a letter dated 20 July 2012 to the President of the Security Council (S/2012/567), Kuwait expressed the hope that the Security Council would appoint another High-level Coordinator or a Special Representative of the Secretary-General, adding that "it would be appropriate if such a High-level Coordinator or Special Representative were to follow up on all of Iraq's outstanding international obligations" (see S/2012/567). However, in a subsequent letter, dated 17 September 2012, to the Minister for Foreign Affairs of Iraq, Hoshyar Zebari, Kuwait clarified its position to Iraq. In the letter, which was shared with the United Nations, Kuwait expressed the hope that the Security Council would establish a new mechanism under Chapter VI of the Charter of the United Nations through either: (a) the appointment of a new High-level Coordinator; (b) the appointment of a new Special Representative; or (c) the expansion of the mandate of UNAMI to include the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property. The letter further stated that this would happen after the fulfilment on the ground of Iraq's other outstanding obligations, specifically those related to the border.

18. During my recent visit, I held intensive follow-up discussions with the Governments of the two countries on the continuation of United Nations activities in this regard. Both parties reiterated their respective positions, and, welcoming a continued United Nations role, were amenable to folding those activities into the UNAMI mandate, but under certain conditions for Kuwait, most notably the fulfilment by Iraq of its border-related obligations.

19. During my consultations with the leadership of Kuwait and Iraq, I also impressed on both countries that a historic opportunity was at hand to put the past behind them and usher in a new era of cooperation. Taking into account the positions previously expressed by their respective Governments, I shared with them my view that UNAMI, with its large human rights presence and offices in Iraq and Kuwait and its ability to engage with relevant authorities in both countries, could be well positioned to address these issues on a continuous basis inside Iraq. I also emphasized the imperative for Iraq to move quickly in fulfilling all of its obligations under relevant Security Council resolutions.

V. Observations

20. Iraq continues to make steady progress towards regaining its rightful place in the region, the Arab world and the broader international community as a founding member of the United Nations. I fully recognize the importance of the issues of missing Kuwaiti persons and property for the Government and people of Kuwait. While I believe that Iraq has demonstrated goodwill on the issue of missing persons, it can do more in that regard, and even more on the issue of missing property, including archives.

21. I am encouraged by the positive momentum generated by the visits of the Prime Minister of Iraq to Kuwait on 14 and 15 March and the Emir of Kuwait to Baghdad to attend the League of Arab States Summit on 29 March, as well as the second session of the Joint Kuwait-Iraq Ministerial Committee on 29 April, to address all outstanding issues and normalize relations. I hope that this spirit of

positive cooperation will continue and will usher in a renewed period of confidence-building between the two parties.

22. I welcome the initiative of the Iraqi Committee coordinating the search for Kuwaiti missing property, including the national archive, to place advertisements in the Iraqi press and on the Ministry of Foreign Affairs website. I look forward to the Committee's sustained efforts to ascertain the whereabouts of the Kuwaiti national archive, and encourage the members of the Iraqi Committee to meet with their Kuwaiti counterparts at the earliest possible time to further discuss modalities for both to sides to work together on the matter.

23. I would like to acknowledge the leading role of ICRC in the task of resolving the issue of missing persons, and the support and contribution of Kuwait, as well as other members of the Tripartite Commission and its Technical Subcommittee. Joint exploratory missions in Iraq within the framework of the Commission under the aegis of ICRC appear to be an appropriate and concrete mechanism for probing the fate of missing Kuwaiti and third-country nationals.

24. During my recent visit to the two countries and in my meetings, in particular with the Emir of Kuwait and the Prime Minister of Iraq, I witnessed a positive disposition on the part of both parties to move forward and address outstanding issues, which, I trust, will be conducive to further progress on the issues of missing Kuwaiti persons and property. Based on my consultations with the two Governments, I believe that intensified United Nations activities on the ground in assisting the Government of Iraq could yield concrete results on the issue of Kuwaiti missing persons and property. UNAMI could be particularly well suited for this task, in which case I would continue to report to the Security Council on the implementation and progress made on both issues. In this context, I would take into account the overall progress made by Iraq in the implementation of all its outstanding Chapter VII obligations, most notably the urgent need for tangible progress on its outstanding international obligations concerning the Iraq-Kuwait boundary maintenance project (Security Council resolution 833 (1993)) and the compensation of farmers (Security Council resolution 899 (1994)).

25. I view the next few months as a crucial confidence-building period between Iraq and Kuwait that will hopefully lead to the expeditious resolution of outstanding multilateral and bilateral issues between them. During this interim period, the two parties can count on the full support of the United Nations to facilitate the normalization of their relations. I am committed to resolving the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property as soon as possible with the cooperation of the two parties. I look forward to working closely with the Governments of Iraq and Kuwait both directly and through my representatives in this regard. In light of the efforts of my High-level Coordinator during his recent mandates, I am still exploring the best approach for the next period for the work of the United Nations in this field. I am considering several options. These include asking UNAMI to fulfil this role, an approach both parties noted was acceptable to them; appointing an interim coordinator under the existing financial arrangements; replacing the current High-level Coordinator upon his retirement with another; or asking someone from United Nations Headquarters to assume this mandate.

26. Finally, I would like to take this opportunity to thank Mr. Tarasov, who will be ending his tenure as High-level Coordinator on 31 December, for his efforts in carrying out the tasks entrusted to him.

Annex I

Letter dated 29 June 2012 from the Permanent Representative of Kuwait addressed to the High-level Coordinator

[Original: English]

It is my pleasure to attach herewith the minutes of the meeting held on 27 June 2012 for the purpose of receiving Kuwaiti property from the Republic of Iraq, consisting of tapes belonging to the Radio Station of the State of Kuwait as well as the minutes of the meeting held on the same day, for the purpose of receiving Kuwaiti property from the Republic of Iraq consisting of books belonging to the University of Kuwait (see enclosures).

(*Signed*) Mansour **Al Otaibi**
Ambassador
Permanent Representative

Enclosure

[Original: Arabic]

Protocol of receipt of Kuwaiti property from the Republic of Iraq consisting of tape recordings belonging to Kuwait Radio

27 June 2012

On 27 June 2012, in accordance with the relevant Security Council resolutions, the State of Kuwait received from the Republic of Iraq 27 crates containing tape recordings belonging to the archives of Kuwait Radio that had been seized by the former Iraqi regime during its occupation of Kuwait in 1990.

The items were received at the headquarters of the Ministry of Foreign Affairs of Kuwait in the presence of a representative of the Ministry of Foreign Affairs, a representative of the Ministry of Information, a representative of the Iraqi Ministry of Foreign Affairs and a representative of the Embassy of the Republic of Iraq to Kuwait. This protocol was prepared and signed in the presence of the representative of the United Nations office in Kuwait.

The representative of the Ministry of Foreign Affairs said that this partial recovery of property was undoubtedly a step forward, and that the Kuwait side hopes that it will be followed by the return of more valuable and significant property, including, in particular, the national archives belonging to the Amiri Diwan, the Diwan of the Crown Prince and the Ministry of Foreign Affairs.

State of Kuwait

(*Signed*) Jasim Mubarak **al-Mubaraki**
Director, Department of International Organizations, Ministry of Foreign Affairs

(*Signed*) Yusuf Mustafa **Abudullah**
Assistant Deputy for Broadcasting Affairs, representative of the Ministry of Information

United Nations

(*Signed*) Hashim Hassan **Ali**
Operations Manager, United Nations Development Programme in Kuwait

Republic of Iraq

(*Signed*) Muhammad Hussein Muhammad **Bahr al-Ulum**
Ambassador of the Republic of Iraq to the State of Kuwait

(*Signed*) Mu'ad Abdulwahhab **Abdulrazzaq**
Compensations Office, Department of Legal Affairs, Ministry of Foreign Affairs

Enclosure 2

[Original: Arabic]

Protocol of receipt of Kuwaiti property from the Republic of Iraq consisting of books belonging to the University of Kuwait

27 June 2012

On 27 June 2012, in accordance with the relevant Security Council resolutions, the State of Kuwait received from the Republic of Iraq two books belonging to the University of Kuwait that had been seized by the former Iraqi regime during its occupation of Kuwait in 1990.

The items were received at the headquarters of the Ministry of Foreign Affairs of Kuwait in the presence of a representative of the Ministry of Foreign Affairs, a representative of the Ministry of Information, a representative of the Iraqi Ministry of Foreign Affairs and a representative of the Embassy of the Republic of Iraq to Kuwait. This protocol was prepared and signed in the presence of the representative of the United Nations office in Kuwait.

The representative of the Ministry of Foreign Affairs said that this partial recovery of property was undoubtedly a step forward, and that the Kuwait side hopes that it will be followed by the return of more valuable and significant property, including, in particular, the national archives belonging to the Amiri Diwan, the Diwan of the Crown Prince and the Ministry of Foreign Affairs.

State of Kuwait

(*Signed*) Jasim Mubarak **al-Mubaraki**
Director, Department of International Organizations, Ministry of Foreign Affairs

(*Signed*) Yusuf Mustafa **Abudullah**
Assistant Deputy for Broadcasting Affairs, representative of the Ministry of Information

United Nations

(*Signed*) Hashim Hassan **Ali**
Operations Manager, United Nations Development Programme in Kuwait

Republic of Iraq

(*Signed*) Muhammad Hussein Muhammad **Bahr al-Ulum**
Ambassador of the Republic of Iraq to the State of Kuwait

(*Signed*) Mu'ad Abdulwahhab **Abdulrazzaq**
Compensations Office, Department of Legal Affairs, Ministry of Foreign Affairs

Annex II

[Original: English]

Letter dated 1 October 2012 from the Permanent Representative of Iraq to the United Nations addressed to the High-level Coordinator

Upon instruction from my Government, I have the honour to inform you that the Iraqi Ministry of Foreign Affairs has republished an advertisement in the official Ministry's website and in a number of local Iraqi newspapers such as Al-Zaman, issues 4307 and 4308, Al-Sabah, issues 2637, 2638 and 2639, Al-Sabah al-Jadeed, issues 2385, 2386 and 2387, Al-Bayan, issues 1020, 1021 and 1022, Al-Etehad, issues 3072, 3073 and 3074, Al-Alam, issues 660, 661 and 662, Al-adala, issues 2512, 2513 and 2514, Al-Muwattin, issue 1726, Tareq al-Shaal, issue 32, Al-Mashriq, issues 2461, 2462 and 2463, Al-Mada, issues 2595, 2596 and 2597 and Al-Bayena, issues 1656, 1657 and 1658 which urges Iraqi citizens in possession of any documents or property belonging to the State of Kuwait to transmit them to the Committee in charge of coordinating the efforts regarding the Kuwaiti archives established in the Iraqi Ministry of Foreign Affairs as a part of Iraq's obligations before the international community. Please find attached the text of the advertisement (see enclosure).

(*Signed*) T. Hamid **Al-Bayati**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

Enclosure

[Original: Arabic]

Announcement

The Ministry of Foreign Affairs calls on all decent citizens who have information regarding property or documents that belong to the State of Kuwait to contact our Ministry with a view to seeing that they are returned to Kuwait, in accordance with United Nations Security Council resolutions.

Cooperation with the Ministry is an act of patriotism that will help to resolve various matters with which we have been saddled as a result of the crimes committed by the former regime, and will help Iraq regain its status in the international community.

Those who provide information will be rewarded by the Ministry and will have performed a valuable service for their country.

Announcement

The Ministry of Foreign Affairs and the Ministry of Human Rights call on all decent citizens to come forward with any information they might have regarding persons who went missing in the Kuwait war and their whereabouts.

The Iraqi Government has made assiduous efforts to find those missing persons or recover their remains. We have thus far succeeded in finding 236 missing persons, but another 373 are still missing. Accomplishing this task is part of our international obligations. Providing information regarding those missing persons will help our beloved country free itself of the burdens with which it has been saddled as a result of the crimes committed by the former regime, and will safeguard Iraq's reputation and standing in the international community.

Annex III

[Original: English]

Note verbale dated 27 June 2012 from the Permanent Mission of Iraq to the United Nations addressed to the Office of the Secretary-General

The Permanent Mission of the Republic of Iraq to the United Nations presents it compliments to the Office of the Secretary-General and in reference to its note verbale dated 18 June 2012 has the honour to attach herewith the letter from Hoshyar Zebari, Minister for Foreign Affairs of the Republic of Iraq addressed to Ban Ki-moon, the Secretary-General of the United Nations (see enclosure).

The Permanent Mission of the Republic of Iraq would deeply appreciate it if the attached letter could kindly be forwarded to its highest destination.

Enclosure

[Original: Arabic]

18 June 2012

We should like to refer to the letter that we addressed to you, dated 5 July 2011, in which we proposed that the mandate of Ambassador Gennady Tarasov, the Secretary-General's High-level Coordinator on the issue of missing Kuwaiti and third-country nationals and the repatriation of Kuwaiti property, should be terminated and the matter addressed bilaterally by Iraq and Kuwait.

You are aware of the efforts that have been exerted by Iraq with a view to resolving this question, and of the consultations that Iraq has held with the States that are permanent members of the Security Council, which have led to perceptible progress being made towards the transference of the question to bilateral relations. We should therefore like to request the Security Council, through you, to close the question and transfer it to bilateral relations, by sending a Kuwaiti team that will be based in Iraq, either at a headquarters location to be determined by mutual agreement or within the Kuwaiti Embassy in Baghdad, in order to complete work on the outstanding issues in cooperation with the Iraqi team. That step would bring the mandate of the High-level Coordinator to a close, either immediately or by the end of 2012 at the latest. The joint team would cooperate with the International Committee of the Red Cross (ICRC), which has expressed its readiness to cooperate with regard to this question in its capacity as a humanitarian organization, or with the United Nations Assistance Mission for Iraq (UNAMI). The Security Council could then adopt a resolution releasing Iraq from its obligations under Chapter VII of the Charter of the United Nations in respect of this question.

Among the proposals raised in the course of our discussions with some States members of the Security Council was the idea of transferring the question from Chapter VII to Chapter VI of the Charter and addressing it bilaterally under the supervision of ICRC or UNAMI.

We wish to emphasize that Iraq is committed to continuing the search for missing persons. It is fully determined to address this poignant humanitarian issue, which is of such importance to the Kuwaiti families that lost loved ones. We also emphasize that the establishment of a bilateral committee, as proposed, would allow us to cooperate directly in resolving this humanitarian question.

We hope that you will understand Iraq's sincere position on the resolution of this question, and that you will provide the necessary support for the successful fulfilment of that task.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Hoshyar **Zebari**
Minister for Foreign Affairs of the Republic of Iraq

United Nations S/2012/932

Security Council

Distr.: General
14 December 2012

Original: English

Letter dated 3 December 2012 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council

I am pleased to provide my report as the President of the Governing Council of the United Nations Compensation Commission on the results of the Governing Council's seventy-fourth session, which was held in Geneva from 27 to 29 November 2012. The full text of the conclusions adopted by the Governing Council is attached.* I would like however to highlight a few of the issues discussed during the session.

At the opening plenary meeting, delegations from the Governments of Kuwait and Iraq addressed the Council. Copies of their respective statements are being sent by mail with the original of this letter. The participating Governments under the Follow-up Programme for Environmental Awards, Jordan, Kuwait and Saudi Arabia, addressed the Council in respect of the Follow-up Programme for Environmental Awards regarding their progress towards achieving the systems and controls required under decision 269 of the Governing Council (S/AC.26/Dec.269 (2011)).

On the level of Iraq's contribution to the Compensation Fund, the Council noted that two payments to Kuwait have been made since the last session totalling approximately $2.4 billion and that, based on current levels of income to the Fund and recent projections, the Commission remains on track to pay the outstanding balance of $13.6 billion in full as early as April 2015.

With regard to the consultations between Iraq and Kuwait under the auspices of the Compensation Commission on the outstanding balance, the Council encouraged the two countries to seek a settlement of the outstanding obligations, in the interest of both countries, and requested that the secretariat continue its efforts to resume the consultations.

In its consideration of the issue of arrangements for ensuring that payments are made to the Compensation Fund, the Council noted Iraq's commitment to meeting its obligations and expressed its satisfaction with the continued transfers of 5 per cent of Iraq's oil revenues to the Compensation Fund under the oversight of the Iraq Committee of Financial Experts. The Council also considered the issue of the accumulated shortfall to the Compensation Fund of approximately $225 million as a result of barter sales of petroleum and petroleum products that are not reported in

* Not included in the present document.

Please recycle

the financial statements and income from exports being deposited into accounts controlled by the Iraq Oil Marketing Company rather than into the Oil Proceeds Receipts Account. The Council noted that, based on current revenue to the Fund, the shortfall represents a delay of only three weeks with respect to the final payment and will not affect the completion of payments. Given this, the Council decided that the payment of the shortfall should not be further pursued.

With respect to the Follow-up Programme for Environmental Awards, the Council recalled that, in paragraph 2 of decision 269 (2011), it called upon the participating Governments to establish the systems and controls by the seventy-fourth session of the Council or earlier; and also recalled its direction, at its seventy-third session, that the Governments continue their focused work towards fulfilling the criteria under decision 269 in consultation with the independent reviewers and secretariat in line with the 2012 target date.

The Council noted that Saudi Arabia has materially met the requirements of decision 269 with respect to the establishment of the requisite systems and controls. The Council noted its expectation that it will be ready to declare the mandate of the Programme fulfilled in the case of Saudi Arabia on or before the next Council session, subject to Saudi Arabia satisfactorily addressing certain issues.

With respect to Jordan and Kuwait, the Council noted that, while they have made continued progress, they have not yet fulfilled the requirements of decision 269. The Council noted specific issues to be addressed and made recommendations for action to be taken with a view to Kuwait and Jordan achieving material compliance with decision 269 by the next session of the Governing Council.

The Council also considered the assurances to be provided under paragraph 6 of decision 269, and noted that the draft text of the assurances has now been agreed upon by the participating Governments' respective national focal points, subject to adjustments that may be required at the time of the closure of the Programme in respect of each Government. The authorities designated to eventually provide the assurances were considered acceptable to the Council and the final issuance of the assurances will be required following the Council's determination that each Government has fulfilled the requirements of decision 269.

Under decision 258 (S/AC.26/Dec.258 (2005)), the Council took note of briefings by the secretariat on the projects in Iran (Islamic Republic of), Jordan, Kuwait and Saudi Arabia, and of information notes by the secretariat and the biannual reports of the respective national focal points and independent reviewers. The Council made recommendations, approved phasing plans, authorized the release of funds from the respective special accounts as appropriate, and approved technical modifications in the case of Kuwait's projects.

The Council adopted a report of the Committee on Administrative Matters, which recommended that the level of the Commission's operating reserve be reduced to $10 million and that the excess amount of $30.8 million be transferred to the Compensation Fund for distribution to the outstanding awards.

With the recent payment made on 25 October 2012, there are now two remaining oil sector claims which were awarded compensation for damages to Kuwait's oil field assets (oil wells, pipelines and related equipment) and associated production and sales losses. The overall amount of compensation made available to

date by the Commission is approximately US$38.8 billion, with a total outstanding balance of $13.6 billion remaining to be paid to the two claims. The next payment is scheduled to be made on 24 January 2013.

The next Council session will be held from 30 April to 2 May 2013.

(*Signed*) Hanns Heinrich **Schumacher**
President of the Governing Council

United Nations S/2012/933

Security Council

Distr.: General
14 December 2012

Original: English

Third report of the Secretary-General pursuant to paragraph 6 of resolution 1956 (2010)

I. Introduction

1. The present report is submitted pursuant to paragraph 6 of Security Council resolution 1956 (2010), in which the Council requested me to provide written reports on an ongoing basis to the Council every six months, with the first report due no later than 1 January 2012, about the United Nations Compensation Fund, evaluating the continued compliance with the provisions of paragraph 21 of resolution 1483 (2003). This third report covers the developments following the issuance of my second report (S/2012/508) on 29 June 2012.

II. Developments

2. In its authority over the arrangements for ensuring that payments are made to the Compensation Fund, the Governing Council of the United Nations Compensation Commission has continued to actively monitor developments following the expiration of the mandate of the International Advisory and Monitoring Board for Iraq on 30 June 2011 and the transfer of the oversight of the control, reporting and use of Iraqi oil export revenues to the Iraq Committee of Financial Experts.

3. The Governing Council held its seventy-fourth session from 27 to 29 November 2012. In its conclusion on the issue of arrangements for ensuring payments that would be made to the Compensation Fund, the Governing Council noted the commitment of Iraq to meeting its obligations and expressed its satisfaction with the continued transfers of 5 per cent of the oil revenues of Iraq to the Compensation Fund under the oversight of the Iraq Committee of Financial Experts. The Council also directed the Compensation Commission secretariat to continue to engage with the Committee to ensure the continued transfer of 5 per cent of Iraq's oil revenues and the equivalent of 5 per cent of the value of non-monetary payments to the Compensation Fund.

4. The average monthly income to the Compensation Fund since July 2012 has been approximately $386 million as compared with $368 million for the first half of the year. Since the last report, the Compensation Commission has made two payments to Kuwait totalling almost $2.4 billion; the first was made on 26 July 2012 and the second on 25 October 2012. The overall amount of compensation made available to date by the Commission is $38.8 billion. Approximately $13.6 billion

Please recycle

remains outstanding with respect to two oil sector claims which were awarded compensation for damages to Kuwait's oilfield assets (oil wells, pipelines and related equipment) and associated production and sales losses. Based on current levels of income to the Fund and recent projections, it is still estimated that the Commission will pay the outstanding balance in full by April 2015.

5. The audit report on the financial statements for the Development Fund for Iraq and the successor account covering the period from 1 January to 31 December 2011 was signed on 26 June 2012. Although the Government of Iraq is making progress with regard to the installation of oil metering systems, the audit report contains a qualified opinion, as the auditors, Ernst and Young, were not able to reliably determine the volume of all quantities extracted and pumped to export terminals in the absence of a comprehensive metering system.

6. While noting the issues raised in the audit report, based on current levels of income to the Compensation Fund and the Governing Council's satisfaction therewith, I am pleased to note that the Government of Iraq remains committed to complying with its obligations under paragraph 21 of resolution 1483 (2003).

7. I would like to conclude by expressing my ongoing appreciation to the Government of Iraq and the Iraq Committee of Financial Experts for their continued cooperation with the Compensation Commission.

United Nations A/67/656–S/2012/934

General Assembly
Security Council

Distr.: General
17 December 2012

Original: English

General Assembly
Sixty-seventh session
Agenda item 34
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-seventh year

Identical letters dated 14 December 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a statement of the Ministry of Foreign Affairs of Georgia, dated 13 December 2012, on the 22nd round of the Geneva International Discussions (see annex).

I should be grateful if you would have the present letter and its annex issued as a document of the sixty-seventh session of the General Assembly, under agenda item 34.

(*Signed*) Alexander **Lomaia**
Ambassador
Permanent Representative

12-65402 (E) 211212

Please recycle

Annex to the identical letters dated 14 December 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia regarding the 22nd round of the Geneva International Discussions

The 22nd round of the Geneva International Discussions was held on 12 December 2012. The participants in the Geneva Discussions took part in an individual capacity in the two working groups, one focusing on security and stability in Georgia's occupied Abkhazia and the Tskhinvali region/South Ossetia, and the other on issues related to the safe and dignified return of internally displaced persons and refugees to the places of their original residence. The discussions were co-chaired by representatives of the United Nations, the European Union and the Organization for Security and Cooperation in Europe and attended by the participants from Georgia, the Russian Federation and the United States. The Head of the Provisional Administration of the former South Ossetian Autonomous District and the Chairman of the Government of the Autonomous Republic of Abkhazia, as well as representatives of the occupied regimes from Tskhinvali and Sokhumi, also took part in the 22nd round of the Geneva Discussions.

The participants from Georgia stressed the commitment of the new negotiating team formed after the parliamentary elections to the continuity of the Geneva International Discussions as the key format for the implementation of the 12 August 2008 ceasefire agreement.

On 11 December, an information session on humanitarian needs assessment methodologies was held. Invited experts acquainted the participants with international best practices and methodologies for assessing the needs of affected populations across the dividing lines and stressed the importance of guaranteeing humanitarian access to such areas.

In the framework of Working Group I of the Discussions, the participants addressed the issue of non-use of force. Georgia once again called on the Russian Federation to fulfil its outstanding obligation and to reciprocate Georgia's unilateral pledge not to use force. The expert group, created during the previous meeting, continued to work on a draft statement by the participants in the Geneva International Discussions on the non-use of force that had been tabled by the co-Chairs, and reviewed and incorporated amendments and changes proposed by the participants. The differences of opinion persist in a number of areas. However, Georgia particularly welcomes the continued engagement of the Russian participants in the drafting process as a step in the right direction towards a reciprocal non-use-of-force pledge by the Russian Federation. The drafting process will continue during the 23rd round of the Geneva International Discussions.

In Working Group I, the participants also discussed the security situation on the ground. Georgia raised concern over the continued obstruction of the Gali Incident Prevention and Response Mechanism and stressed the importance of its timely resumption in its full composition. They also highlighted the worrying trend of the increasing number of detentions for alleged violations of the crossing regulations, as well as additional impediments to the freedom of movement,

including for the most vulnerable individuals, seeking urgent medical assistance. In three such cases, patients died en route after being refused permission to cross.

Aiming to address these concerning developments in a durable manner, the co-Chairs presented a catalogue of best practices on freedom of movement, as implemented at various stages under the Incident Prevention and Response Mechanisms. The Georgian participants welcomed this proposal. It was agreed that various aspects of freedom of movement would be discussed in detail during the upcoming rounds of the Geneva Discussions, with the aim of creating an agreed practical framework for the freedom of movement.

The discussions in Working Group II started on a positive note. The Georgian participants reconfirmed their commitment to a humanitarian, people-centred approach. In the context of constructive engagement, several concrete projects were announced, including resumption of the gas supply to Akhalgori district. Regarding missing persons, the participants from Georgia referred to the outcome of a recent Incident Prevention and Response Mechanism meeting in Ergneti and strongly reaffirmed their dedication to resolve outstanding matters under the non-politicized, humanitarian leadership of the International Committee of the Red Cross.

The co-Chairs, drawing on the information session held during the previous round, called upon the participants to reflect on the creation of a special body that would address the outstanding cases of missing persons. The Georgian participants noted this initiative with interest and agreed to provide feedback during upcoming meetings.

To the profound disappointment of the Georgian participants, the representatives of the Tskhinvali and Sokhumi occupation regimes, supported by the representatives from the Russian Federation, stopped discussion of pragmatic proposals, linking further engagement to their politically motivated agenda for the change of the format of the Geneva Discussions. Through this action, the occupation regimes demonstrated that, for them, political considerations related to status take priority over the humanitarian needs of the local population.

Similarly, participants from the regimes in Sokhumi and Tskhinvali continued to block the discussion on the core mandate of Working Group II related to the return of internally displaced persons and refugees. The concrete proposals of the co-Chairs on facilitating the humanitarian access of certain categories of residents to cemeteries, cultural and religious sites were left unanswered.

The representatives of the occupation regimes of Sokhumi and Tskhinvali, as well as Moscow, continued their concerted effort to achieve a change in the format of the Geneva Discussions. The co-Chairs stressed the vital importance of keeping the agreed format of the Geneva Discussions intact. The co-Chairs called for constructive engagement on issues, based on the mandate, that are reflected in the agenda of the two Working Groups. They also pointed out that humanitarian and human rights needs must be separated from the political issues.

Georgia thanks the co-Chairs for their efforts in steering the 22nd round of discussions and expresses its readiness to cooperate with them in a traditionally constructive spirit in preparing the next round of the discussions. Georgia expresses hope that all participants will re-engage positively in discussions to improve the security situation and address the humanitarian needs of the local population.

The 23rd round of the Geneva International Discussions will be held on 27 March 2013.

United Nations S/2012/935

Security Council

Distr.: General
19 December 2012

Original: English

France, Russian Federation and United States of America: draft resolution

The Security Council,

Noting with concern that the situation in the Middle East is tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force of 27 November 2012 (S/2012/897), and also reaffirming its resolution 1308 (2000) of 17 July 2000,

Expressing grave concern at all violations of the Disengagement of Forces Agreement, including the presence of the Syrian Arab Armed Forces and unauthorized military equipment inside the Area of Separation,

Concurring with the Secretary-General's finding that the military operations carried out by the Syrian Arab Armed Forces have affected adversely the efforts of UNDOF to effectively carry out the mandated tasks,

Expressing serious concern at the presence of armed members of the opposition in the area of separation,

Underscoring that recent incidents across the ceasefire line have shown the potential for escalation of tensions between Israel and the Syrian Arab Republic, and jeopardize the ceasefire between the two countries,

Condemning the 29 November incident in which five peacekeepers were injured,

Expressing its continued appreciation to the military and civilian personnel serving with UNDOF in an increasingly challenging operating environment,

1. *Calls upon* the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

2. *Calls on* all parties to cooperate fully with the operations of UNDOF, to respect its privileges and immunities and to ensure its freedom of movement, as well as the security of and unhindered and immediate access for the United Nations personnel carrying out their mandate, in conformity with existing agreements and *stresses* the need to enhance the safety and security of UNDOF personnel;

3. *Stresses* the obligation on both parties to scrupulously and fully respect the terms of the 1974 Disengagement of Forces Agreement, *calls on* the parties to

exercise maximum restraint and prevent any breaches of the ceasefire and the area of separation, and *underscores* that there should be no military activity of any kind in the area of separation including military operations by the Syrian Arab Armed Forces;

4. *Welcomes* the efforts being undertaken by the United Nations Disengagement Observer Force to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel;

5. *Decides* to renew the mandate of the United Nations Disengagement Observer Force for a period of six months, that is, until 30 June 2013, and *requests* the Secretary-General to ensure the Force has the capacity necessary to fulfil the mandate;

6. *Requests* the Secretary-General to report every 90 days on developments in the situation and the measures taken to implement resolution 338 (1973).

United Nations S/2012/936

Security Council

Distr.: General
17 December 2012
English
Original: French

Letter dated 17 December 2012 from the Secretary-General to the President of the Security Council

I have the honour to inform you that Mr. John Everard (United Kingdom of Great Britain and Northern Ireland), whom I appointed on 27 June 2012 to serve as expert on regional issues on the Panel of Experts established pursuant to Security Council resolution 1874 (2009) (see S/2012/493), has withdrawn from the Panel. Accordingly, in consultation with the Security Council Committee established pursuant to resolution 1718 (2006), I have appointed Mr. Martin Uden (United Kingdom of Great Britain and Northern Ireland) to serve as expert on regional issues on the Panel of Experts and to carry out the tasks specified in paragraph 26 of resolution 1874 (2009).

I have appointed Mr. Uden to serve as Coordinator of the Panel of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

12-65237 (E) 171212 171212

Please recycle